

# COMPLAINT

(for filers who are prisoners without lawyers)

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

(Full name of plaintiff(s))

EUGENE LYNNEL CHERRY  
~~XXXXXXXXXXXXXXXXXXXX~~

v.

Case Number:

(Full name of defendant(s))

warden ECKSTEIN-, Jean LUTSEY-,  
nurse practitioner peterson-,  
Mary ALSTEEN-; John DOE (male nurse)

(to be supplied by Clerk of Court)

### A. PARTIES

1. Plaintiff is a citizen of Wisconsin, and is located at  
(State)

P.O. Box 19033, Greenbay, WI 54307  
(Address of prison or jail)

(If more than one plaintiff is filing, use another piece of paper.)

2. Defendant warden ECKSTEIN-, Jean LUTSEY-,  
nurse practitioner peterson-, Mary ALSTEEN-,  
and John DOE (male nurse). (Name)

is (if a person or private corporation) a citizen of Wisconsin  
(State, if known)

and (if a person) resides at unknown  
(Address, if known)

and (if the defendant harmed you while doing the defendant's job)

worked for D.O.C - GBCI 2833 Riverside Dr., Greenbay WI 54307  
(Employer's name and address, if known)

(If you need to list more defendants, use another piece of paper.)

B. STATEMENT OF CLAIM

On the space provided on the following pages, tell:

1. Who violated your rights;
2. What each defendant did;
3. When they did it;
4. Where it happened; and
5. Why they did it, if you know.

on 9/29/16, plaintiff was without requesting it, called to  
HOU (Health service unit), by nurse practitioner Peterson and  
an unknown female nurse and checked for High Blood  
pressure, and weight. while being checked, plaintiff  
complained to Peterson about having 'severe' pain in His  
testicle, and Peterson told plaintiff to put in a  
blue slip to be seen by the nurse and when  
the nurse schedules me to be seen by  
Peterson that she Peterson will then see me  
about my pain in my testicle, and until then,

take 'Tylenol' — thus 'refusing' to address my 'excruciating' pain in my 'testicle'. The 'severe' pain 'worsened' after a few days, and plaintiff put in a Blue slip to see the 'prison DR.' on 10-5-16, and on 10-6-16 plaintiff was called to Hsu by nurse Mary Alsteen and only asked a few questions about the 'testicle' pain, and when plaintiff told Alsteen that the pain was 'excruciating' and he needed to see the "DR." immediately, nurse Alsteen told plaintiff "that's not how it goes", and that she'd schedule plaintiff to see Dr. Allen on 11-15-16 — thus 'refusing' to let plaintiff see the DR. and sent plaintiff back to the unit suffering 'excruciating' testicle pain — on 10-21-16, plaintiff was again called to Hsu without his requesting, for a blood pressure check, by a John Doe male nurse, and complained about 'excruciating'



pain in my 'testicle' and that I needed to see the "DR."  
The unknown male nurse, looked in my Health file and  
told me that I see the "DR." in November, 2016, and  
that there's nothing he could do for me except tell me  
to continue taking the 'Tylenol' — thus, 'refusing'  
to let me see the "DR." about the 'excruciating' pain  
in my 'testicle' — on 9/30/10 plaintiff sent a  
prison request form to Jean Lutsey - GBCI Health  
Service unit supervisor, complaining about 'practitioner'  
Peterson 'refusing' to address my complaint about a  
'severe pain' in my testicle and Jean Lutsey,  
'ignored' my request and did not respond —

Warden Epstein, is in charge of all departments in  
GBCI, and his office 'affirmed' the dismissal  
of plaintiff's ~~inmate~~ inmate complaint ICE report  
number GBCI-2016-21474.

on 10/26/16 after 'constant' verbal complaints, plaintiff  
was 'finally' called to the and examined by  
'Dr. Allen' and told that he might have 'hernia', —  
Scheduled for 'ultrasound', and prescribed / given a  
scrotal supporter to hold up testicles.

as of 12-4-16, plaintiff has not had ultrasound. I  
still suffers 'severe pain' in his testicle —

all acts by each defendant was 'intentionally' done,  
and violated plaintiff's 8<sup>th</sup> amendment Right to be free  
from cruel & unusual punishment and deliberate indifference.  
and cause plaintiff ~~complaint 2 (cont.)~~ excruciating pain.

C. JURISDICTION



I am suing for a violation of federal law under 28 U.S.C. § 1331.

OR



I am suing under state law. The state citizenship of the plaintiff(s) is (are) different from the state citizenship of every defendant, and the amount of money at stake in this case (not counting interest and costs) is \$\_\_\_\_\_.

D. RELIEF WANTED

Describe what you want the Court to do if you win your lawsuit. Examples may include an award of money or an order telling defendants to do something or to stop doing something.

all officials are being sued in their personal and official capacities — all remedies have been exhausted — plaintiff continues to suffer 'excruciating' pain in his testicle — plaintiff seeks \$500,000<sup>00</sup> in compensatory damages and \$1,000,000<sup>00</sup> in punitive damages against the defendants, and an order telling defendants to in the future not deny inmates medical treatment when complaining about a condition during Hou visit.



E. JURY DEMAND

I want a jury to hear my case.

☒ - YES

☐ - NO

I declare under penalty of perjury that the foregoing is true and correct.

Complaint signed this 4<sup>th</sup> day of December 20 16.

Respectfully Submitted,

Eugene Choo  
Signature of Plaintiff

#195971  
Plaintiff's Prisoner ID Number

P.O. Box 19033  
Greenbay, WI 54307  
(Mailing Address of Plaintiff)

(If more than one plaintiff, use another piece of paper.)

**REQUEST TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING THE FULL FILING FEE**



I DO request that I be allowed to file this complaint without paying the filing fee. I have completed a Request to Proceed in District Court without Prepaying the Full Filing Fee form and have attached it to the complaint.



I DO NOT request that I be allowed to file this complaint without prepaying the filing fee under 28 U.S.C. § 1915, and I have included the full filing fee with this complaint.